

Board of Selectmen Meeting
Tuesday, October 15, 2013

A Board of Selectmen meeting was held on Tuesday, October 15, 2013 at 6:15pm in Conference Room A at Town Hall. Present were five selectpersons, the Town Administrator and the Asst. to the Town Administrator.

- 6:15 Executive Session – Pending Litigation and Real Property: Executive Session – Litigation and Real Property: Selectperson Wilkinson moved that the Board of Selectmen enter Executive Session under MGL Chapter 30A, §21(a) for Exception #3: to discuss strategy with respect to pending litigation and for Exception #6: to consider the purchase, exchange, lease or value of real property, Roll Call Vote, Chairperson Battistelli – aye, Selectperson Lucas – aye, Selectperson Murphy – aye, Selectperson Sheedy – aye, Selectperson Wilkinson – aye.

Executive Session
Motion approved
Roll call Vote

Chairperson Battistelli said “We are entering executive session because, by not doing so, it would be detrimental to the Town’s negotiating position and we will reconvene in Open Session.”

- 8:05 Meeting Called to Order

Pledge of Allegiance and Moment of Silence

Approval of Minutes of October 1, 2013: Selectperson Lucas moved that the Board of Selectmen approve the minutes of October 1, 2013, seconded by Selectperson Murphy, Vote: 5-0.

Approval of
10/1/13 Meeting
Motion Approved

Interview of David Coyne for the Finance Committee: Selectperson Lucas nominated David Coyne as a member of the Finance Committee for a term to expire on May 1, 2015, seconded by Selectperson Murphy. D. Coyne stated that he has been a summer resident for his whole life (3 generations), he said six to seven years ago he purchased a summer home on Marmion Way. Three years ago he moved from Connecticut to Rockport on a full time basis; he has three school age children. He works for Fidelity Investments. He said he is strong in program and people management. No vote taken; this will be on a subsequent meeting.

Interview of David
Coyne for Finance
Committee
No vote taken.

Selectperson Wilkinson moved to add three items to tonight’s agenda, two are appointments that were inadvertently omitted, seconded by Selectperson Murphy, Vote: 5-0.

Motion to add
three items to
tonights’ agenda.
Motion Approved.

Selectmen Updates and Liaison Reports: It was stated that the judging at HarvestFest is this Saturday at 2 pm. Chairperson Battistelli stated that there is a Lahey Health meeting tonight at the Shalin Liu at 6pm. No Board of Selectmen members could attend because it is being held on the same night as the Board of Selectmen meeting. Chairperson Battistelli stated that she has asked that the spring meeting not be scheduled on a night when the Board of Selectmen meets.

Selectmen Updates
and Liaison
Reports

Public Comment Period, T. Arsenian, 95 Granite Street, spoke about Chapter 91 applications Policy #20-01, relative to the Cape Ann Tool Company applicant. He stated that the owner’s attorney had said that no public hearing was necessary. He said

Public Comment
Period

that at the time the Board of Selectmen's position was that there was no such policy. Chairperson Battistelli said there is a policy for new chapter 91 licenses, the Board at that time felt there was a need for a public hearing even though the DEP viewed this as an amended application, not a new one. Chairperson Battistelli recommended that Mr. Arsenian put his recommendations in writing and get them to the Board. T. Arsenian said he attended the Lahey Health meeting and recommends that the Board get together the statement about the eight essential services, that make it a full service hospital, and present that to them.

Frederick Tarr, 154 Main Street, said when items are added to the agenda; it would be nice to know what the items are.

Town Administrator's Report, Mitch Vieira shared the following:

- recent Millbrook Meadow vandalism, he said he spoke to the Chief of Police, he said the shift supervisors will be checking the meadow two times per shift. There have been other areas of graffiti around town.
- the 10 year lease is up for Scout Hall, it expires 11/30/13; he said they are working on another agreement to present to the Board of Selectmen.
- some personnel evaluations had been returned to supervisors for clarification, the process is underway.
- The Long Beach survey results have been distributed to the Board of Selectmen.
- there is a joint energy purchase meeting tomorrow, with the DPW and school personnel, looking at usage.

8:20 Action List

Selectperson Murphy moved to appoint Gail Zeman to the Thacher and Straitsmouth Island Town Committee for a one year term to expire on 6/30/14, seconded by Selectperson Sheedy, Vote: 5-0.

Selectperson Lucas moved that Matt Cegelis be appointed to the Rights of Way Committee for a 3 year term to expire on 6/30/16, seconded by Selectperson Murphy, Vote: 5-0.

Garden Club Use of Barletta and Harvey Parks: Selectperson Wilkinson moved that the Selectmen grant permission to the Rockport Garden Club to use Barletta and Harvey Parks from June 19, 2014 through June 21, 2014 for its promotion and ticket sales for its Annual Garden Tour and its Art Sales, which the proceeds will be used to support Club activities such as providing scholarships to Rockport High School seniors and purchasing materials for the care of Town gardens, seconded by Selectperson Lucas, Vote: 5-0.

Use of Waddell Skate Park: Selectperson Murphy moved that the Selectmen grant permission to Carrie DeFort to use the Waddell Skate Park on Sunday, November 3, 2013 for a birthday party, seconded by Selectperson Sheedy, Vote: 5-0. Chairperson Battistelli said that this is the type of issue that, as a board, the decision may be made to delegate this to the Town Administrator. This discussion will be on a subsequent agenda.

Brackett's Ocean View Off-Season Events: Selectperson Lucas moved that the Board of Selectmen approve a request for Brackett's Ocean View Restaurant to hold two off-season functions: a Rotary Annual Tree Lighting Dinner on December 7, 2013 and the Granite Savings Bank Annual Meeting on December 11, 2013, both with alcohol, seconded by Selectperson Murphy, Vote: 4-0. Selectperson Sheedy recused herself as she is on the board for the Rotary.

Brackett's Ocean
View Off-Season
Events
Motion Approved

Outdoor Display Permit for Inkas Wasi: Selectperson Sheedy moved that the Board of Selectmen approve and sign an Outdoor Display Permit for Inkas Wasi, seconded by Selectperson Wilkinson, Vote: 5-0. M. Vieira said he spoke to the building inspector; the applicant has received one written warning because there was no permit. The regulations indicate that there can be two displays; each display could have several objects, but they can't be sold outside the shop. The mannequin is a display; and there shouldn't be a rack. Chairperson Battistelli suggested that the applicant contact M. Vieira to be sure that the regulations are being followed.

Outdoor Display
Permit for Inkas
Wasi
Motion Approved

Water Needs Assessment Agreement: Selectperson Wilkinson moved that the Selectmen approve and sign an agreement with Dewberry Engineers of 280 Summer Street, Boston to provide engineering services for a Water Needs Assessment for a price not to exceed \$41,500, seconded by Selectperson Sheedy, Vote: 5-0. These funds were appropriated at a prior town meeting.

Water Needs
Assessment
Agreement
Motion Approved

T. Arsenian said that starting with the water needs assessment first, instead of the sewer needs assessment; is the wrong order. The funds for the sewer needs assessment were approved later; he said he had been told that both assessments would be conducted concurrently.

Frederick Tarr, 154 Main Street, said he agrees with T. Arsenian. He said a partial study was conducted previously; he said that water use has declined in Rockport. He said there is a pipeline in place from Steel Derrick to Carlson's Quarry; the town should try to reach an agreement with Quarry Associates about the use of that water.

Pigeon Hill Tank Replacement Agreement: Selectperson Murphy moved that the Selectmen approve and sign an agreement with Dewberry Engineers of 280 Summer Street, Boston to provide engineering services for the engineering and design of the Pigeon Hill Tank replacement for a price not to exceed \$81,000, seconded by Selectperson Sheedy, Vote: 5-0.

Pigeon Hill Tank
Replacement
Agreement
Motion Approved

Memorandum of Agreement with the Sergeants Association: Selectperson Lucas moved that the Board of Selectmen approve and sign a Memorandum of Agreement with the Police Sergeants Association that amends their Collective Bargaining Agreement from July 1, 2013 to June 30, 2016, seconded by Selectperson Wilkinson, Vote: 5-0.

Memorandum of
Agreement with the
Sergeants
Association
Motion Approved

Lease for 77 Long Beach: Selectperson Sheedy moved that the Board of Selectmen approve and sign a lease for 77 Long Beach with Robert and Ann Fox to reflect a change of address, seconded by Selectperson Murphy, Vote: 5-0.

Lease for 77 Long
Beach
Motion Approved

United Nations Day in Rockport: Selectperson Wilkinson moved that the Board of Selectmen proclaim October 24, 2013 as United Nations Day in Rockport, seconded by Selectperson Sheedy, Vote: 5-0.

United Nations Day
in Rockport
Motion Approved

Voting Machines in
Rockport
Motion Approved

Voting Machines in Rockport: Selectperson Murphy moved that the Board of Selectmen, pursuant to General Laws Chapter 53, section 34, determine that one or more electronic voting machines approved as provided in section 32, be used for elections in the Town of Rockport and to be procured and installed as feasible and agreeable with the Town Clerk, seconded by Selectperson Wilkinson, Vote: 5-0.

The Town Clerk said the ballots go directly into the machine and the machine tabulates the count. This will be a capital request, \$7,000 for each tabulator, so \$21,000 for the three. Other towns have recommended having a spare machine in case of mishap, so the maximum cost would be \$28,000. Selectperson Murphy is in favor of this, he said it's a "cleaner way of running town elections". Other costs include a \$500/machine update to a memory chip, which needs to be updated for every machine for every election. P. Brown said the machines are accurate and this would save the town the cost of paying staff to work into the night counting ballots and the election results would be available much quicker. She said the next state election is in 2014, the Commonwealth of Massachusetts must be notified 90 days in advance of using the voting machines.

T. Arsenian, 154 Main Street, said he is skeptical, and questions write-in votes.

The Town Clerk offered to get more information on these machines.

Motion to hold
additional Board of
Selectmen Meeting
10/22/13
Motion Approved

Selectperson Wilkinson moved to hold a Board of Selectmen Meeting next Tuesday, 10/22/13 at 5pm for Executive Session, and not reconvene in open session, Selectperson Sheedy seconded Vote: 5-0.

Selectperson Wilkinson informed the board members that the DPW had chosen Applied Coastal for the sediment transport study. This is the same group that just completed Phase I of the FEMA flood maps.

Selectperson Murphy stated he would like the parking ban and the plowing of private roads on a subsequent meeting agenda.

Other Business/Announcements

8:35 Selectperson Murphy moved to adjourn, seconded by Selectperson Wilkinson, Vote: 5-0.

Warrant signed:

Warrant signed for the Fiscal Year 2013 Payroll and Expenses for the week of 10/17/13 in the amounts of \$488,510.92 and \$262,460.47 respectively.

Items signed:

Dewberry Engineering Services, Water Needs Assessment
Dewberry Pigeon Hill Tank Replacement
Rockport Sergeants Association, Local 154A, AFL-CIO
77 Long Beach, Robert and Ann Fox
Outdoor Display Permit, Inkas Wasi, 10 Bearskin Neck
United Nations Proclamation Day, 10/24/13